REMARKS

The present Response After Final Rejection Pursuant to 37 CFR 1.116 is submitted in reply to the Final Office Action of February 7, 2007 and within two months of the date of the Final Office Action. The Applicant respectfully requests entry of the present Response before reconsideration of the present Application, and allowance of the present Application or an Advisory Action if the Examiner feels such to be necessary.

First, the Examiner has rejected claim 1 under the nonstatutory doctrine of obviousness-type of double patenting over claim 1 of U.S. Patent No. 6,718,481, which is commonly owned by the assignee of the present Application.

In response, the Applicant has herewith submitted a terminal disclaimer over the U.S. Patent No. 6,718,481 and accordingly respectfully requests that the Examiner reconsider and withdraw the obviousness-type double patenting rejection of claim 1 of the present Application.

In addition, the Examiner has further again rejected claims 1 and 2 under 35 U.S.C. 102 over previously cited U.S. Patent No. 5,768,501 to Lewis, hereafter referred to as "Lewis '501".

In the rejection, in brief, the Examiner has restated each recitation of claims 1 and 2 and has cited which columns and lines of the Lewis '501 disclosure that Examiner feels discloses the corresponding recitation from claims 1 and 2.

As regards the Applicant's arguments presented in the Response to the previous Office Action, the Examiner again states the portions of Lewis '501 that the Examiner feels relevant to repudiation of the Applicant's arguments, which are essentially the same as those cited in support of the present rejection, and invites the Applicant to point out the specific portions of the Lewis '501 disclosure that support the Applicant's position.

In response, and in addition to the arguments presented in the following, the Applicant respectfully reiterates the arguments presented in the previous Response of August 1, 2003

and respectfully requests that those arguments incorporated by reference into the present Response After Final and preserved for presentation on appeal if such should prove necessary.

The Applicant sustains the previous arguments presented in Response to this rejection of the claims over Lewis '501 for the reason that the Applicant respectfully believes the rejections to be based in a misapprehension of the teachings of Lewis '501 with respect to the present invention as recited in claims 1 and 2 and the fundamental distinctions between the present invention and Lewis '501.

In support of the Applicant's position and arguments, the Applicant respectfully refers, for example, to Figs. 1 and 3 of Lewis '501 and to column 1, lines 34-64, coolumn 2, lines 46 t0 column 3, line 15, column 3, lines 17-60, column 4, line 55 through column 6, line 25, and column 7, line 27 through column 8, line 33.

Again considering the fundamental distinctions between the present invention and Lewis '501, one of the fundamental distinctions between the present invention and the system taught by Lewis '501 lies in the distinctions between the definitions and functions of "domains" and their inter-relationships and inter-operations in the present invention as opposed to those in the Lewis '501 system. It is the Applicant's belief and position that those fundamental distinctions have become at least blurred in the Examiner's readings of the present invention and of Lewis '501, thereby leading to a misinterpretation of the present invention and of the teachings of Lewis '501 and the distinctions therebetween.

To once again consider the present invention and the teachings of Lewis '501, the present invention as recited in claim 1 and as described in the specification and drawings of the Application is directed to a shared system resource for use in a networked system to provide services to a plurality of clients communicating with the system resource through a network, the primary example described in the specification being a system resource providing storage space and functions for a plurality of network clients.

According to the present invention as recited in claim 1, the shared system resource is comprised of a plurality of domains that are structured as an integrated, cooperative cluster of domains including hierarchically related domains and peer related domains and wherein each domain performs one or more functions supporting the services provided by the system resource. As recited in claim 1, the hierarchically related domains include a higher level domain and a lower level domain respectively performing higher and lower level operations of one or more related functions supporting the services provided by the system resource and the peer related domains include parallel domains performing related operations in mutual support of one or more related functions supporting the services provided by the system resource. As also recited in claim 1, a domain having a peer related domain monitors the peer related domain and assumes the operations performed by the peer domain upon detecting a failure in the peer related domain.

Some of the major points to be kept in mind with regard to the present invention are therefore that it is the shared system resource that is organized as a plurality of hierarchical and peer domains, and whether or not the networks or network clients are organized as domains of any form is immaterial to the invention. In addition, peer domains not only perform comparable functions but also, for this reason, are capable of and do monitor one another's performance and that a given domain can and will assume the functions and operations of a peer domain upon detecting an error or failure in the operation of the peer domain.

Therefore considering Lewis '501, Lewis '501 specifically describes a system comprised of a plurality of networks 10 that are gathered into domains A, B and so on according to the functions performed by the networks, so that networks performing like functions are gathered into a single domain.

The network domains then communicate with a multi-comain manager 30 through a pllurality of network management systems 11 wherein each network management system

corresponds to and is associated with a network domain. It must be noted that Lewis '501 does not describe the network manager systems 11 as being either a part of the corresponding network domains or being organized into or comprising domains themselves.

The network management systems 11 communicate with the multi-domain manager 30, which essentially provides alarm and fault monitoring and fault correction functions for the network management systems and thus the network domains. Again, Lewis '501 does not describe the multi-domain manager 30 as either being a part of a domain or as comprising a domain in itself. It is merely a functional system unit and the term "multi-domain manager" merely refers to the fact that it provides fault management functions for a plurality of network domains, not that it is a domain or functions as a domain.

Lastly, the multi-domain manager 30 is comprised of an alarm notifier 31, a response interface 33 and an inter-domain alarm correlation system 32 wherein the inter-domain alarm correlation system 32 is hierarchical to the alarm notifier 31 and the response interface 33 and the alarm notifier 31 and response interface 33 are at the same level in the hierarchy. The alarm notifier 31 and response interface 33 are not peer domains, however, because the alarm notifier 31 and response interface 33 perform fundamentally different functions. In addition, and because they perform fundamentally different functions, the alarm notifier 31 and response interface 33 cannot monitor each other for errors or faults and cannot assume one anothers functions upon detecting a fault in the other. It must also be noted that, again, the term "domain" appearing in the name "inter-domain alarm correlation system" merely refers to the fact that this unit provides alarm correlation functions for the plurality of network domains and not that it is a domain or functions as a domain.

In summary, therefore, it is very apparent and clear to those of ordinary skill in the relevant arts that the multi-domain manager 30 of the Lewis '501 system, which is the only shared resource in the Lewis '501 system is neither a domain nor is comprised of domains and

that, in fact, the only "domains" to be found in the Lewis '501 system are the network groupings, which do not comprise any form of shared network resource as defined in the present invention as recited in claim 1.

It is therefore the Applicant's position that Lewis '501 does not teach or suggest any of:

"[a] shared system resource for use in a networked system to provide services to a plurality of clients communicating with the system resource through a network",

"a plurality of domains structured as an integrated, cooperative cluster of domains including hierarchically related domains and peer related domains, each domain performing one or more functions supporting the services provided by the system resource",

"hierarchically related domains [that] include a higher level domain and a lower level domain respectively performing higher and lower level operations of one or more related functions supporting the services provided by the system resource,

"peer related domains [that] include parallel domains performing related operations in mutual support of one or more related functions supporting the services provided by the system resource", or

"a domain having a peer related domain [that] monitors the peer related domain and assumes the operations performed by the peer domain upon detecting a failure in the peer related domain",

and that Lewis '501 therefore does not teach the present invention as recited in claims 1 and 2 under the requirements and provisions of 35 U.S.C. 102 or even suggest the present invention as recited in claims 1 and 2 under the requirements and provisions of 35 U.S.C. 103.

It is therefore the Applicant's belief and position that the present invention as recited in claims 1 and 2 is fully and patentably distinguished over and from the teachings and suggestions of 35 U.S.C. 102 and 35 U.S.C. 103 and the Applicant accordingly respectfully

requests that the Examiner reconsider and withdraw all rejections of claims 1 and 2 over the cited prior art, and the allowance of the present Application with claims 1 and 2.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Lewis '501 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

10/614,630

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

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